

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERT BOSCH TOOL CORPORATION,

Plaintiff,

v.

SAWSTOP, LLC,

Defendant.

Case No. _____

JURY TRIAL REQUESTED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Robert Bosch Tool Corporation (“Bosch Tool”), through its attorneys, for its complaint against defendant SawStop, LLC (“SawStop”), alleges as follows:

NATURE OF ACTION

1. This is an action for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code (for example, 35 U.S.C. §§ 271, 281, 283, 284, and 285).

2. This lawsuit pertains to SawStop’s infringement of United States Patent No. 8,096,519 (“the ’519 Patent”; attached as Exhibit A) and United States Patent No. 8,602,378 (“the ’378 Patent”; attached as Exhibit B) (collectively, “the Patents-in-Suit”).

JURISDICTION AND VENUE

3. Subject matter jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over SawStop, and venue is properly laid in the Northern District of Illinois pursuant to 28 U.S.C. §§ 1391 and 1400(b). For example, SawStop distributes its products through authorized dealers in this District. Bosch Tool has its headquarters in Mount Prospect, Illinois.

FACTUAL BACKGROUND

5. Over the years, Bosch Tool has devoted—and continues to devote—significant resources to design, research, develop, sell, and market best-in-class power tools and accessories, including, for example, the innovative Gravity-Rise™ collapsible, rolling saw stands (“Gravity Rise Stands”) for use with various table and miter saws.

6. The Patents-in-Suit relate generally to a collapsible, rolling support stand for use with a heavy attached object, such as a table or miter saw. An exemplary Bosch Tool Gravity Rise Stand, Model TS2000, is shown below:



7. Bosch Tool’s Gravity Rise Stands easily transition between horizontal and vertical positions for use and transportation, respectively. An exemplary Gravity Rise Stand is shown below in horizontal and vertical positions:



8. SawStop makes, uses, sells, offers for sale, and/or imports into the United States, and has made, used, sold, offered for sale, and/or imported into the United States, products that appear to be copies of Bosch Tool's Gravity Rise Stands, for example, a "mobile cart" for use with its JobSite Saw Model JSS ("SawStop Mobile Stands"). An exemplary SawStop Mobile Stand is shown below in horizontal and vertical positions:



9. On information and belief, SawStop is actually aware of the Bosch Tool Gravity Rise Stands and the Patents-in-Suit. For example, SawStop provides on its website a product comparison between SawStop and Bosch Tool jobsite table saws; specifically refers to the Bosch Tool Gravity Rise Stand, Model TS2000; and links to the Bosch Tool website, which until recently, described the patented Gravity Rise Stands as follows:

Take the back-ache out of setting up and breaking down your table saw with the revolutionary new Gravity-Rise™ wheeled saw stand from Bosch. Designed for general contractors, trim carpenters, woodworkers and remodeler, the Bosch TS2000 gravity-rise stand is a rugged, portable, and, best of all, easy-to-use. Setup is a snap! Simply turn the release lever, put your hand on the tabletop, and the stand raises and lowers relative to your hand pressure so that you can find just the right height for your tired back. Constructed of heavy gauge tubular steel, the gravity-rise stand is built to withstand the toughest jobsites. Eight In. treaded pneumatic wheels easily handle rough terrain and make tool transport nearly effortless. The gravity-rise is equipped with universal mounting slots, which are designed to accommodate most major manufacturers' portable table saws.

* * * *

Gravity-Rise™ stand - patented design for easy table saw setup and table down.

COUNT ONE – INFRINGEMENT OF U.S. PATENT 8,096,519

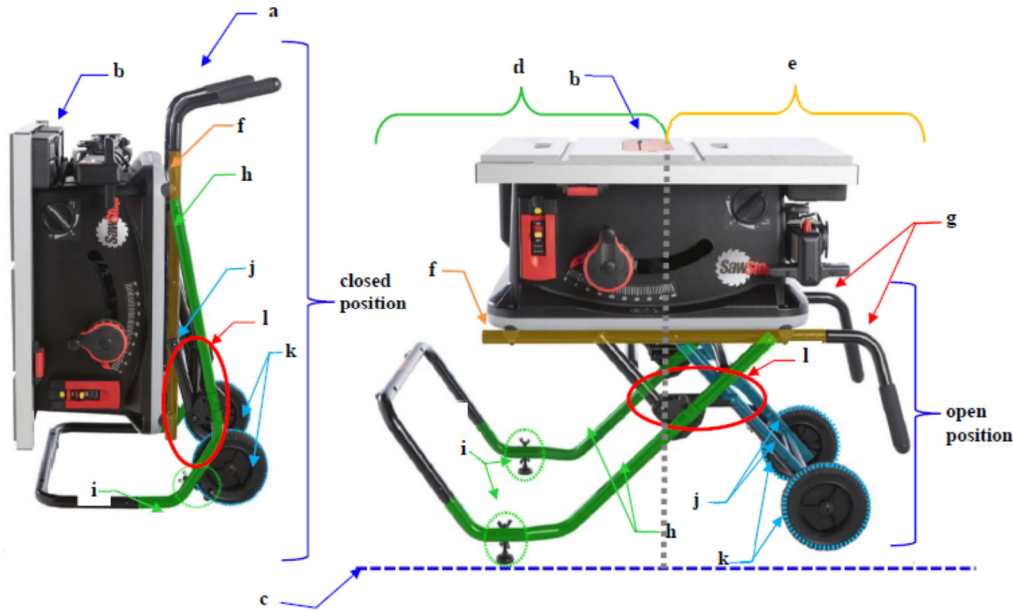
10. Bosch Tool incorporates by reference Paragraphs 1 through 9 in their entirety as if fully set forth herein.

11. On January 17, 2012, the '519 Patent, entitled "Collapsible Rolling Support Stand," was duly and legally issued. Bosch Tool is the owner of all rights, title, and interest in and to the '519 Patent, and possesses all rights to sue and recover for any current and past infringement of the '519 Patent.

12. The '519 Patent is valid and enforceable.

13. Without a license or permission from Bosch Tool, SawStop has directly infringed, and is still directly infringing, literally or by equivalents, one or more claims of the '519 Patent under 35 U.S.C. § 271(a). On information and belief, SawStop's infringing acts include, and have included, without limitation, making, using, selling, importing and/or offering for sale SawStop Mobile Stands.

14. For example, with respect to infringement of at least claim 1 of the '519 Patent, as shown in the highlighted images below, the SawStop Mobile Stand is a collapsible rolling stand [a] for use with an elongated normally horizontally oriented object attached thereto, such as a Jobsite Saw Model JSS [b]. It is supported by a ground surface [c] and is characterized in that it has a front end portion [d] and a rear end portion [e]. It is capable of being manipulated between open and closed positions, and is characterized in that the saw is generally vertically oriented when the stand is closed and is generally horizontally oriented when the stand is open. The stand has a top frame [f] characterized in that it has a generally planar portion that is configured to have the saw secured thereto, and in that the planar portion is oriented in a generally vertical position when the stand is in its closed position. The stand also has a folding mechanism supporting the top frame characterized in that it includes at least one handle [g] operatively connected to one end portion of a pair of spaced apart elongated first members [h] that have opposite end portions that include points [i] that contact the ground and a pair of spaced apart second members [j] each having wheels [k] for enabling a user to roll the stand on the ground. The first and second members are pivotally connected [l] and configured so that the weight of the saw provides a substantial portion of the necessary force needed to pivot the first and second pairs of members to further separate the contact point from the rear wheels and move the stand from the closed position to the open position.



15. Without a license or permission from Bosch Tool, SawStop has actively induced, and is still actively inducing the infringement, literally or by equivalents, of one or more claims of the '519 Patent under 35 U.S.C. § 271(b), including, for example, at least claim 1. Without limitation, on information and belief, SawStop has actively induced, and is still actively inducing, its customers, users, distributors, or others to infringe claims of the '519 Patent, for example, by instructing, directing, and encouraging its customers, users, distributors, or others (via assembly instructions, videos, directions, demonstrations, manuals, and other materials) on how to assemble and use the SawStop Mobile Stands, with the knowledge that such activities would infringe the '519 Patent, and, further, intends its customers, users, distributors, or others to carry out such activities.

16. On information and belief, SawStop's infringement of the '519 Patent is and has been knowing and without an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '519 Patent. SawStop's infringement of the '519 Patent has been willful, and will continue to be willful.

17. Bosch Tool has no adequate remedy at law against SawStop's infringement of the '519 Patent, and unless SawStop is enjoined from its infringement, Bosch Tool will continue to suffer irreparable harm.

18. As a result of SawStop's acts of infringement, Bosch Tool has suffered damages in an amount to be proven at trial.

COUNT TWO – INFRINGEMENT OF U.S. PATENT 8,602,378

19. Bosch Tool incorporates by reference Paragraphs 1 through 9 in their entirety as if fully set forth herein.

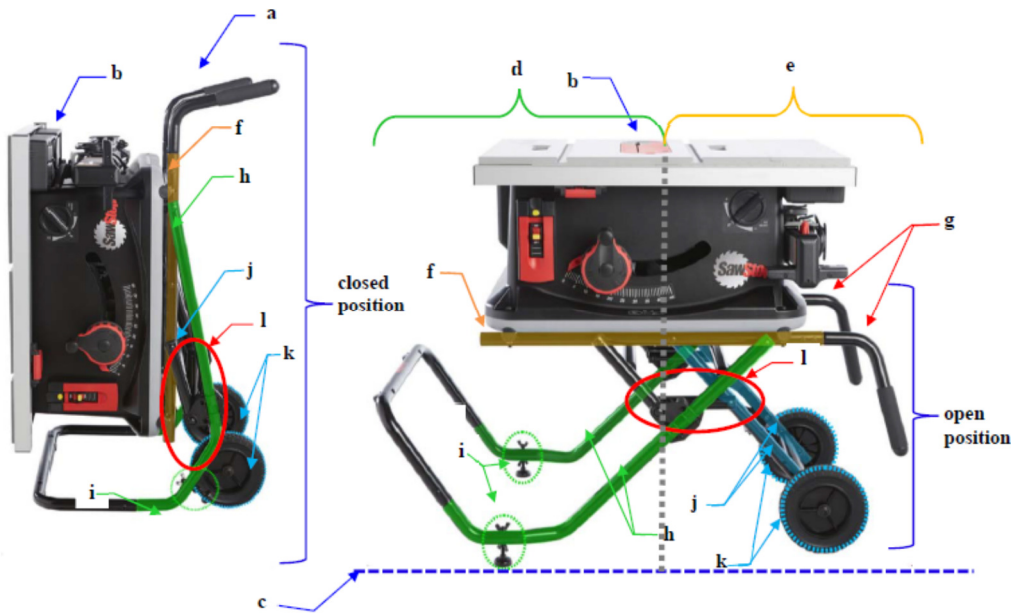
20. On December 10, 2013, the '378 Patent, entitled "Collapsible Rolling Support Stand," was duly and legally issued. Bosch Tool is the owner of all rights, title, and interest in and to the '378 Patent, and possesses all rights to sue and recover for any current and past infringement of the '378 Patent.

21. The '378 Patent is valid and enforceable.

22. Without a license or permission from Bosch Tool, SawStop has directly infringed, and is still directly infringing, literally or by equivalents, one or more claims of the '378 Patent under 35 U.S.C. § 271(a). On information and belief, SawStop's infringing acts include, and have included, without limitation, making, using, selling, importing and/or offering for sale SawStop Mobile Stands.

23. For example, with respect to infringement of at least claim 1 of the '378 Patent, as shown in the highlighted images below, the SawStop Mobile Stand is a collapsible rolling stand [a] for use with an elongated normally horizontally oriented object attached thereto, such as a Jobsite Saw Model JSS [b]. It is supported by a ground surface [c] and is characterized in that it has a front end portion [d] and a rear end portion [e]. It is capable of being manipulated

between open and closed positions, and is characterized in that the saw is generally vertically oriented when the stand is closed and is generally horizontally oriented when the stand is open. The stand further has a top frame [f] characterized in that it has a generally planar portion that is configured to have the saw secured thereto, and in that the planar portion is oriented in a generally vertical position when the stand is in its closed position. The stand also has a folding mechanism supporting the top frame characterized in that it includes a handle [g] operatively connected to one end portion of a pair of spaced apart first members [h] that have opposite ends defining contact points [i] with the ground and a pair of spaced apart second members [j] each having wheels [k] for enabling a user to roll the stand on the ground. The first and second members are pivotally connected [l] and configured so that the weight of the saw provides a substantial portion of the necessary force needed to pivot the first and second members to further separate the contact point from the rear wheels, and move the stand from closed to open.



24. Without a license or permission from Bosch Tool, SawStop has actively induced, and is still actively inducing the infringement, literally or by equivalents, of one or more claims

of the '378 Patent under 35 U.S.C. § 271(b), including, for example, claim 1. Without limitation, on information and belief, SawStop has actively induced, and is still actively inducing, its customers, users, distributors, or others to infringe claims of the '378 Patent, for example, by instructing, directing, and encouraging its customers, users, distributors, or others (via assembly instructions, videos, directions, demonstrations, manuals, and other materials) on how to assemble and use the SawStop Mobile Stands, with the knowledge that such activities would infringe the '378 Patent, and, further, intends its customers, users, distributors, or others to carry out such activities.

25. On information and belief, SawStop's infringement of the '378 Patent is and has been knowing and without an objectively reasonable good faith basis to believe that its activities do not infringe any valid claim of the '378 Patent. SawStop's infringement of the '378 Patent has been willful, and will continue to be willful.

26. Bosch Tool has no adequate remedy at law against SawStop's infringement of the '378 Patent, and unless SawStop is enjoined from its infringement, Bosch Tool will continue to suffer irreparable harm.

27. As a result of SawStop's acts of infringement, Bosch Tool has suffered damages in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Bosch Tool prays for the following relief:

A. A judgment in favor of Bosch Tool that SawStop has infringed the '519 Patent and '378 Patent;

B. An award to Bosch Tool of treble damages to which it is entitled under at least 35 U.S.C. § 284 for SawStop's infringement, costs, and its attorney fees;

C. An award to Bosch Tool of pre-judgment and post-judgment interest on its damages;

D. An injunction against further infringement by SawStop of the '519 Patent and the '378 Patent; and

E. Such other further relief in law or equity to which Bosch Tool may be justly entitled.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Bosch Tool hereby demands a trial by jury as to all issues so triable.

DATED: May 3, 2016

Respectfully submitted,

/s/ P. Stephen Fardy
P. Stephen Fardy, #6230900
Jonna McGinley Reilly, #6288407
SWANSON, MARTIN & BELL, LLP
330 North Wabash, Suite 3300
Chicago, Illinois 60611
Tel: (312) 321-9100
Fax: (312) 321-0990
Email: sfardy@smbtrials.com
jreilly@smbtrials.com

Mark A. Hannemann (*pro hac vice forthcoming*)
Patrick R. Colsher (*pro hac vice forthcoming*)
Eric S. Lucas (*pro hac vice forthcoming*)
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, New York 10022
Tel: (212) 848-4000
Email: mark.hannemann@shearman.com
patrick.colsher@shearman.com
eric.lucas@shearman.com

Counsel for Plaintiff
Robert Bosch Tool Corporation